

## Montgomery County's Building Energy Benchmarking: Frequently Asked Questions (FAQs)

Montgomery County's Department of Environmental Protection has put together a list of FAQs about the [Benchmarking Law 2-14](#), which was enacted in April 2014. As new questions come up, we'll update this FAQ PDF. If you have a question that hasn't been covered in this document or the [DEP website](#), please email [energy@montgomerycountymd.gov](mailto:energy@montgomerycountymd.gov).



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## **ABOUT BENCHMARKING**

### **Building Energy Benchmarking: What is it, and what are the benefits?**

Benchmarking is comparing one building’s energy use against a nationwide set of peer buildings. Montgomery County’s Benchmarking Bill relies on the nationwide data built in to [ENERGY STAR’s Portfolio Manager](#).

[Benchmarking](#) has a number of benefits that include:

- Improving understanding of energy consumption patterns and key drivers;
- Quantifying energy performance and comparing against average similar building stock;
- Identifying energy saving opportunities; and
- Managing business bottom line through consistent data collection and tracking.

Read more about the [benefits of benchmarking](#) (PDF, 419KB).

## **COVERED BUILDINGS**

### **Which buildings are Covered under the Benchmarking Law?**

Under the Benchmarking Law, a “Covered building” is a nonresidential building, or any group of nonresidential buildings that have the same parcel/property identification number, located within Montgomery County that have a certain level of occupancy and function.

If your building falls into one of the following Covered building categories, you must benchmark your building(s):

- A single building...that has a gross square footage of 50,000 or greater.
- Multiple buildings (e.g., a complex) that share a single Parcel Identification Number (e.g., Tax ID or property parcel)...that have a combined gross square footage of 50,000 or greater. *(This may result in the benchmarking of buildings that as an individual building may not meet the Covered building threshold, but in combination with other buildings on a common parcel, do meet the threshold.)*

If your building has a unique case that is not mentioned in this document, please email [energy@montgomerycountymd.gov](mailto:energy@montgomerycountymd.gov) for further clarification on whether your building is Covered.

### **Covered Buildings: Is my complex Covered?**

If you have a complex of buildings (more than one building) that are on the same parcel (e.g., have the same [Tax ID/MBID](#)), and the total square footage of the buildings adds up to 250,000 square feet (Group 1) or 50,000 square feet (Group 2), then **yes**, those buildings are Covered under the Benchmarking Law and must be benchmarked to comply with the law.

*How to Benchmark in Portfolio Manager:* Once it has been determined that any buildings are Covered under the law, owners should follow the guidance of ENERGY STAR Portfolio Manager. As much as individual buildings (even if they are on the same parcel) can be benchmarked separately in Portfolio Manager, they should be. If they have separate meters or are submetered, it is best to benchmark them separately.

*Example:* You have two buildings, each are 40,000 in building square footage that are on the same parcel (adding up to 80,000 in total building square footage). These buildings would fall under a Group 1 submission. These building each have separate meters or are submetered. Both buildings will need to be reported to the County to comply. If they are submetered, they should be benchmarked separately in Portfolio Manager

### **Covered Buildings: My building sits on multiple parcels with multiple owners—is it Covered?**

If the building structure is greater than 50,000 square feet, then **yes**, that building is Covered must benchmark to comply with the law.

*How to Benchmark in Portfolio Manager:* Once it has been determined that the building is Covered under the law, owners should follow the guidance of ENERGY STAR Portfolio Manager. Benchmarking the building will require whole-building data; each parcel/tax ID should not benchmark separately. The building's association or other building management should coordinate the request of aggregate building data to complete the building profile and energy data in Portfolio Manager.

*Example:* A building is sits on four different parcels/tax IDs, but the structure as a whole adds up to a total of 575,000 square feet. This building is Covered and should be benchmarked as a single building. The association or management will enter data into Portfolio Manager (with multiple [MBID numbers](#) entered) for the whole building in order to comply.

### **Covered Buildings: Are office condominiums Covered?**

If the building that encompasses the condominiums adds up to 250,000 square feet or 50,000 square feet, then **yes**, that building and its condominiums are Covered and must benchmark to comply with the law.

*How to Benchmark in Portfolio Manager:* Once it has been determined that the building is Covered under the law, owners should follow the guidance of ENERGY STAR Portfolio Manager. Benchmarking a building of condominium will require whole-building data; each condominium should not benchmark separately. The condo association or other building management should coordinate the request of aggregate building data to complete the building profile and energy data in Portfolio Manager.

*Example:* A building is made up of 10 office condos, adding up to a total of 75,000 square feet. This building is Covered and should be benchmarked as a single building. The association or management will enter data into Portfolio Manager for the whole building in order to comply.

### Covered Buildings: Are shopping centers, strip malls, and town centers Covered?

Retail is Covered under the law. As above under “Covered Buildings: My building sits on multiple parcels with multiple owners – Is it Covered?”, if the building structure is greater than 50,000 square feet, then **yes**, that building is Covered and must benchmark to comply with the law.

*How to Benchmark in Portfolio Manager:* Once it has been determined that the building is Covered under the law, owners should follow the guidance of ENERGY STAR Portfolio Manager. Benchmarking the building will require whole-building data; each parcel/tax ID should not benchmark separately. The building’s association or other building management should coordinate the request of aggregate building data to complete the building profile and energy data in Portfolio Manager.

*Example:* A building is sits on four different parcels/tax IDs, but the structure as a whole adds up to a total of 375,000 square feet. This building is Covered and should be benchmarked as a single building. The association or management will enter data into Portfolio Manager (with multiple [MBID numbers](#) entered) for the whole building in order to comply.

### Which buildings are Exempt under the Benchmarking Law?

The Benchmarking Law applies to all nonresidential buildings, unless your building meets specific exemption criteria or applies for a waiver.

Buildings are **exempt** from the Law if it has more than 10% occupancy which is used for the following purposes/classifications:

- Public assembly in a building without walls
- Warehousing
- Self-storage
- Manufacturing and industrial
- Transportation
- Communications
- Utilities (Infrastructure)

A building owner may apply for a **waiver** from the Law in cases where the building:

- Is in financial distress, defined as the building is subject of a tax lien sale or public auction due to property tax arrearages; is controlled by a court appointed receiver; or was recently acquired by a deed in lieu of foreclosure;
- Has physical occupancy of 50% or less during a year when benchmarking is required; or
- Is new construction and received its certificate of use and occupancy during the calendar year for which benchmarking is required.

DEP is currently developing a standard form for building owners to apply for waivers and notify us of exemptions. In the interim, if the information contained in [DEP’s Covered building inventory](#) is inaccurate and/or you need to apply for a waiver, please email DEP at [energy@montgomerycountymd.gov](mailto:energy@montgomerycountymd.gov) with your building’s address, [MBID number](#), and justification for the exemption/waiver.

If you are not subject to the Benchmarking Law, but would still like to benchmark, please join the rest of Montgomery County’s commercial building community. *The more the merrier!*

## **BUILDING-SPECIFIC QUESTIONS**

### **Am I required to submeter my building?**

The law does not require you to submeter your building. Whole-building (or aggregate building) data is necessary for benchmarking. Buildings should be benchmarked at the most granular level possible (down to the individual building level) based on existing metering arrangements and infrastructure. Buildings should be benchmarked separately if meters or sub-meters allow for it.

Submetering can be a useful way to better understand your energy use, and we encourage building owners to consider the value of submetering if they are pursuing energy management or other energy conservation measures.

### **The law doesn't require parking space to be benchmarked, but Portfolio Manager asks for this information. What do I do?**

The first question a building owner needs to ask is whether they need to comply with the law. In determining this, parking is not counted toward the 50,000 or 250,000 square foot thresholds for the County benchmarking law. Once it has been determined that the building is Covered under the law, owners should follow the guidance of ENERGY STAR Portfolio Manager.

Portfolio Manager has separate guidelines for how and when to include parking in benchmarking. This may result in your building's compliance square footage to be 75,000 square feet (without parking), but to have reported square footage of 85,000 square feet if your parking is included in Portfolio Manager. This is acceptable for compliance.

### **I am vacating my Covered building—what do I need to do with the property in ENERGY STAR Portfolio Manager?**

Before vacating the building—either as a tenant or building owner—please be sure to transfer ownership of the property within ENERGY STAR Portfolio Manager to the new point person responsible for benchmarking (e.g., property manager). ENERGY STAR has instructions on how to transfer properties [here](#). This ensures a consistent benchmarking record within Portfolio Manager and maintains reliable property tracking information when reporting to the County as required by the law.

If a smooth transition may not be possible, please add this information into Property Notes section of your final reported data and/or contact DEP by emailing [energy@montgomerycountymd.gov](mailto:energy@montgomerycountymd.gov), so we can take note of the transition.

### **I have questions about entering building data in ENERGY STAR Portfolio Manager—who should I contact?**

If you have questions about entering data in Portfolio Manager, please refer to [EPA's ENERGY STAR Buildings FAQ](#). If, after reviewing the FAQs, you still have questions, you can contact ENERGY STAR by submitting a question [here](#).

## **DEADLINES**

### **I have a Covered Building. What deadlines do I need to be aware of?**

We encourage buildings to adopt their own schedule and timeline ahead of the deadlines listed below. This will ensure ample time for utility data requests, verification, and any questions you have about the reporting process.

- **March 1<sup>st</sup>** of each compliance year is the date by when owners must request any data from tenants.
- **March 30<sup>th</sup>** of each compliance year is the date by when tenants must provide requested data (or within 30 days of the building owner's request).
  - *Note:* Utilities ask for at least 10 business days to fulfill data requests. If you have several buildings with several meters, please consider giving the utilities more time. In the final month before the deadline, we encourage building owners to give utilities as much as 30 days to fulfill requests, as the volume of requests will be greatest then.
- **June 1<sup>st</sup>** of each compliance year is the deadline to report to the County.

### **What are the different deadlines in the Benchmarking Law?**

The three groups required to benchmark under the Benchmarking Law have staggered reporting deadlines:

<b>Building Group</b>	<b>Building Size</b>	<b>Data to be Reported</b>	<b>First Deadline</b>
County Buildings	≥ 50,000 square feet	Calendar year 2014 data	June 1, 2015
Group 1	≥ 250,000 square feet	Calendar year 2015 data	June 1, 2016*
Group 2	50,000 square feet up to 250,000 square feet	Calendar year 2016 data	June 1, 2017*

After the first deadline, each building group will need to report calendar year benchmarking data to the County June 1<sup>st</sup> annually.\*

*\*Note:* To achieve better alignment with Department reporting requirements, utility data access capacity, and other factors related to resource availability, the Benchmarking Work Group has recommended a legislative amendment which would modify the deadline dates in the original Benchmarking Law from December 1<sup>st</sup> to June 1<sup>st</sup> for each Group. This recommendation will be reviewed by Council in fall 2015.

## **OBTAINING DATA FROM TENANTS**

### **How do I collect energy data from my building tenants?**

**Before March 1<sup>st</sup>,** you can request that your building tenants share/send their energy data directly with you for the purposes of benchmarking (i.e., sending copies of utility bills, sharing meter data via Portfolio Manager), or you can request data from your utility company.

If your building has 5 or more meters, you can usually request whole-building/aggregate energy data from the utility company without tenant authorization. If your building has 4 or fewer meters, your utility company will require tenant authorization from each tenant before releasing the energy data to the building owner.

In addition to requesting energy data, you may also need to request building profile data, such as occupancy and hours of operation. Montgomery County has developed a template letter, [Tenant Information Request Letter Template](#) (.doc, 16KB) that building owners may use to request energy and building profile data. Tenants have 30 days to respond to any written request for data.

### **What if my tenant does not give me building information or energy data?**

If a tenant does not provide data to the building owner within 30 days, the building owner may not be able to fully comply with the law, and the tenant may be partially responsible.

### **What if the utility hasn't given me my energy data yet?**

The Montgomery County benchmarking deadlines offer ample time to request utility data. While most utilities can provide data within 10 business days, we recommend submitting your request at least 30 days ahead of your compliance deadline. In certain circumstances, if you can show that you requested your data with ample time, DEP may provide an extension.

## **VERIFICATION**

### **What is verification? Am I required to do it?**

The Benchmarking Law requires building owners to assure that reported benchmarking information is verified by a Recognized Data Verifier (a list of acceptable credentials for Recognized Data Verifiers is available [here](#)). Verification is considered an industry best practice, and ensures that building and energy data entered into Portfolio Manager are accurate. All Covered buildings under the Benchmarking Law are required to perform verification.

### **What does verification entail? How do I document and report my verification?**

The purpose of verification is to enhance the quality of data being reported collectively through the Benchmarking Law. Verification requires a second pair of eyes from someone with knowledge about Portfolio Manager and building energy performance.

The Recognized Data Verifier should review the Verification Checklist provided by Portfolio Manager (under the Reports Tab and in the top right box) and confirm to their comfort level the building profile information and meter data. The required verification does not include looking at water metrics or indoor air quality. To the extent that the Recognized Data Verifier is able to confirm and verify data to their comfort level, a site visit is not required.

This Verification Checklist should be printed and signed and kept by the building owner. This signed Verification Checklist does not need to be submitted to DEP, unless it is requested by DEP (DEP is authorized to request documentation).

Alternatively, Covered buildings can meet the verification requirement if the owner can demonstrate that the building has achieved the ENERGY STAR building certification for at least 6 months of the year being benchmarked.

To report verification to DEP, in Portfolio Manager, enter your verification details in the Property Notes field (found at the bottom of the Details tab) for each Covered building: Enter the following information about the licensed verifier: full name, phone number, email address, credential (name/acronym), and credential identifier (i.e., ID number).



Alternatively, if the Covered buildings can meet the verification requirement by demonstrating that the building has achieved the ENERGY STAR building certification for at least 6 months of the year being benchmarked, indicate this in the Property Notes field by stating “ENERGY STAR CERTIFICATION FOR VERIFICATION” and the month and year certification was achieved.

### How often do I need to do verification?

Building owners must have all Covered buildings in their Portfolio Manager profile verified the first year of official benchmarking and every 3 years thereafter. Consider that you may want to identify your verifier ahead of time and plan to provide them enough time to complete the verification before the final deadline date.

*Example:* A Group 1 building would need to complete the first verification by June 1, 2016—the first year of compliance; the next time that Group 1 building would need to complete and report verification is June 1, 2019.

### Who can do the verification?

Verification should be completed by a Recognized Data Verifier (per pending amendment to be introduced fall 2015) as identified by DEP. The following is a list of credentials that DEP has identified as acceptable to be a Recognized Data Verifier:

<b><u>Verification Credential</u></b>	<b><u>Institution / Association</u></b>
Professional Engineer (PE)	National Society of Professional Engineers
Registered Architect (RA)	American Institute of Architects
Certified Energy Manager ( <a href="#">CEM</a> )	Association of Energy Engineers (AEE)
Building Energy Assessment Professional ( <a href="#">BEAP</a> )	ASHRAE
Certified Energy Auditor ( <a href="#">CEA</a> )	AEE
LEED – Professional with specialty in Operations + Maintenance ( <a href="#">LEED-AP O+M</a> )	US Green Building Council (USGBC)
<a href="#">LEED-Fellow</a> – For outstanding APs	USGBC
Building Energy Modeling Professional ( <a href="#">BEMP</a> )	ASHRAE
Commissioning Process Management Professional Certification ( <a href="#">CPMP</a> )	ASHRAE
Operations and Performance Management Professional ( <a href="#">OPMP</a> )	ASHRAE
Certified Commissioning Professional ( <a href="#">CCP</a> )	Building Commissioning Association (BCA)
Associate Commissioning Professional ( <a href="#">ACP</a> )	BCA
Sustainability Facility Professional ( <a href="#">SFP</a> )	International Facilities Management Association
Certified Building Commissioning Professional ( <a href="#">CBCP</a> )	AEE
Existing Building Commissioning Professional ( <a href="#">EBCP</a> )	AEE
RPA/FMA High Performance Designation ( <a href="#">RPA/FMA-HP</a> )	BOMI International
Systems Maintenance Technician ( <a href="#">SMT</a> )	BOMI International
Systems Maintenance Administrator ( <a href="#">SMA</a> )	BOMI International



<b><u>Verification Credential</u></b>	<b><u>Institution / Association</u></b>
Real Property Administrator ( <a href="#">RPA</a> ) with caveat requirements <sup>1</sup>	BOMI International
Certified Property Manager ( <a href="#">CPM</a> ) with caveat requirements <sup>2</sup>	Institute of Real Estate Management

### **What if my verification credential isn't on the list?**

DEP's Director will evaluate professional licenses and building energy training program credentials to be accepted as a Recognized Data Verifier on a case-by-case basis. If your credential demonstrates all of the following criteria, email [energy@montgomerycountymd.gov](mailto:energy@montgomerycountymd.gov) with relevant training material and records for consideration:

- Demonstrates trained individuals' proficiency in building energy benchmarking and familiarity with ENERGY STAR Portfolio Manager;
- Demonstrates trained individuals' working knowledge of energy-efficient operations, measures, and technology;
- Provides opportunities for ongoing skill maintenance and/or re-training as technologies, tools, and practices evolve; and
- Provides means of tracking graduates or credentialed individuals by name and with a unique identifier (such as a license, identification, or other number).

### **Can I use internal staff for verification, or do I need to hire an outside company?**

As long as the Recognized Data Verifier has the proper credentials, you can ask internal staff to verify the data, as long as the person entering the data is not the same person verifying the data. Verification can be completed without an on-site visit.

### **How much does verification cost?**

Costs will vary depending on the qualifications of the Recognized Data Verifier, the scope of verification requested (if beyond the scope needed to comply), and the extent to which the Portfolio Manager energy and building data is complete with easily verifiable data.

## **REPORTING DATA TO DEP**

### **What information does the County collect?**

DEP will be requesting information to fulfill the Benchmarking Law's reporting requirements and provide helpful information to guide benchmarking and energy efficiency program and policy planning. Download this [fact sheet](#) for a list of metrics collected and metrics to be disclosed (PDF, 26KB).

The collected data will be used to provide aggregate metrics and portfolio-wide benchmarks for reporting purposes. Except for metrics listed below under "What is disclosed?" in the fact sheet, DEP will not disclose the otherwise collected data.

<sup>1</sup> RPA must have been achieved with the elective course, Asset Management OR achieved with completion of at least 3 of the 5 [Sustainability/High Performance Experience Criteria](#).

<sup>2</sup> CPM must have been achieved with the following three functions selected and illustrated in the [Experience Form](#): #3, #30, and #33.

### Where do I find my Montgomery County Building ID (MBID) number?

Your building's Montgomery County Building ID is your 8-digit Parcel Identification Number/Tax ID. The Parcel ID number is located in the upper right corner of your property tax bill. It would be the same as your account number. You can also locate this number online by visiting the [Department of Finance's Real Property Tax Account Information website](#).

Special cases:

- If you have multiple buildings on your parcel, you'll create your MBID by using the 8-digit Parcel Identification Number/Tax ID number and adding an underscore and lower case letters beginning with "a". (e.g., 01234567\_a, 01234567\_b, 01234567\_c)
- If you have a building on multiple parcels, you can list each 8-digit Parcel Identification Number/Tax ID number as your MBIDs, separating each with a comma.

If available, building owners can also enter their [CoStar](#) Property ID, which the County uses internally to identify commercial buildings. Note, entering this ID number in Portfolio Manager is optional.

### How do I report to the County?

Once you enter your Covered building data into Portfolio Manager (including [MBID number](#)), run the Data Quality Checker for the calendar year of data that will be reported to the County and resolve any alerts.

After you run the Data Quality Checker, visit the [Reporting section of DEP's Benchmarking website](#) to access the benchmarking data reporting template for your reporting year. The template will bring you to your Portfolio Manager log-in screen. After logging in, you'll see step-by-step instructions on how to electronically report data to the County.

*Note:* if you are a third-party energy services company, you must receive approval prior to submitting benchmarking data on behalf of a Covered building owner and indicate your client's information in the "About Your Response" section of the data request.

### I reported my data and then found a change I needed to make. What do I do?

If you need to make a change after you reported data, but before the deadline, go ahead and make your change and re-report your data to DEP. As long as it's the same building in Portfolio Manager, the updated information will automatically replace what is reported to us. If it is after the deadline, contact DEP at [energy@montgomerycountymd.gov](mailto:energy@montgomerycountymd.gov) so we can be sure to capture your most accurate data.

### I mistakenly reported a test building, duplicate building, or building not based in Montgomery County. How do I "un-report" a building to the County?

Unfortunately, once you submit a building to the County, it will always appear in our reported data set for that calendar year. If you reported a building in error, please email [energy@montgomerycountymd.gov](mailto:energy@montgomerycountymd.gov) with the Portfolio Manager Property ID number, address, and description of the error.

### What happens if I do not benchmark/report my Covered buildings?

The Benchmarking Law is enforceable under Method 2 regulations (including fines for noncompliance). DEP is available to assist any building owner to help them comply with the law.